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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/763,483

05/25/2001

Stefan Hennen

12758-016001

7480

7590

11/04/2004

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EXAMINER

FOX, JAMAL A

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

. 09/763,483

Applicant(s)

HENNEN ET AL.

Examiner

Jamal A Fox

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 15-17 is/are rejected.
- 7) ☒ Claim(s) 1,4-14 and 18-29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/14/01 & 7/2/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it should be within the range of 50 to 150 words. Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claim 1 is objected to because of the following informalities: Claim 1, line 2, after "source," "ith" is an incorrect spelling. Appropriate correction is required.
4. Claims 4-14 and 18-29 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim --*cannot depend from any other multiple dependent claim*--. See MPEP § 608.01(n). Accordingly, the claim --s have-- not been further treated on the merits.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-3, 15 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Wolf (U.S. Patent No. 6,163,551).

Referring to claim 1, Wolf discloses a telecommunications system (Figures 1 and 3) comprising: at least two devices (O1, O2, col. 5 lines 22-25 and Fig. 3) for providing one clock signal (Fig. 3, ref. sign 2M) each synchronous (synchronous, col. 5 line 59) to a clock source (NE1, NE4 from a received message signal STM-N, col. 3 lines 66-67), with devices for providing each being connected (connector units, col. 5 lines 13-25 and Fig. 3) to at least one of the clock sources and at least one of the provision devices encompassing an interface card (X.25 interface, col. 4 lines 34-36) to a standardized transmission network, and a main clock generator (central clock generator, col. 3 lines

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30-40 and col. 4 lines 11-26) for generating a main clock of the telecommunication system, with the main clock generator being connected with the provision devices (see Figures 1 and 3) and receiving from them the clock signals, with main clock generator having means (quality indicators, col. 4 lines 11-26) for selecting one of the clock signals, characterized in that provision devices have means (SASE, col. 4 lines 10-26) for determining the quality of the at least one clock source and interrupt (disturbance, col. 4 lines 17-26) the provision of the respective clock signal upon a decline in the respective detected quality, the main clock generator has means (message STAT, col. 4 lines 37-51) to recognize an interruption of the selected clock signal, and the means (quality indicators, col. 4 lines 11-26) for the selection are connected to the means for recognition (see Figures 1 and 3) and select (select, col. 4 lines 37-51) a different clock signal if the selected clock signal is interrupted (breakdown, col. 4 lines 37-51).

Referring to claim 2, Wolf discloses the telecommunication system of Claim 1, characterized in that the telecommunications system contains at least three devices (NE1...NE6, col. 3 lines 42-55) for provision and the means (quality indicators, col. 4 lines 11-26) for selecting among the other clock signals the clock signal with the highest quality if the selected clock signal is interrupted (disturbance, col. 4 lines 17-26).

Referring to claim 3, Wolf discloses the telecommunications system according to claim 1 or 2 characterized in that the telecommunications system is a digital (digital, col. 3 lines 16-19) telecommunications system.

Referring to claim 15, Wolf discloses a method for generating a main clock in a telecommunications system, with the method having the following steps: provision

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(derived, col. 4 lines 3-10) of at least two clock signals, selection (selects, col. 4 lines 11-26) of one of the clock signals provided, and use of the selected clock signals as synchronization (tune, col. 4 lines 11-16) source of the main clock, characterized through the following steps: determination of the quality (quality indicator, col. 4 lines 7-26) of the clock signals in at least two clock signal provision devices (NE1... NE6, col. 4 lines 11-26) of the telecommunication system, of which at least one includes an interface card (X.25 interface, col. 4 lines 34-36) to a standardized transmission network, interruption (disturbance, col. 4 lines 17-26) of a clock signal in the event its quality declines, and selection (select, col. 4 lines 37-51) of another clock signal by a main clock generator (central clock generator, col. 4 lines 27-30) of the telecommunications system in the event the selected clock signal is interrupted (breakdown, col. 4 lines 37-51).

Referring to claim 17, Wolf discloses a method characterized in that the telecommunications system is a digital (digital, col. 3 lines 16-19) telecommunications system.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf.

Referring to claim 16, Wolf discloses the method according to Claim 15 characterized in that in the step of provision, at least three clock signals (2M, Figures 1 and 2) are provided, but does not explicitly teach of selecting the signal with the highest quality in the step of selecting the other clock signal. However, selecting the other clock signal based on the quality is disclosed in (col. 4 lines 7-51). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included selecting the signal with the highest quality in the step of selecting the other signal in order to provide a reference clock.

Conclusion

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 305-3988, (for formal communications intended for entry)

Or:

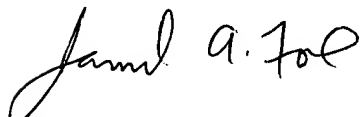
(703) 305-3988 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA. 22202, Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamal A. Fox whose telephone number is (571) 272-3143. The examiner can normally be reached on Monday-Friday 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.


Jamal A. Fox

